

RECEIVED
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA AM 10:42
Alexandria Division

In re:

IVAN EDUARDO ALVA

Debtor

RECEIVED
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA AM 10:42
ALEXANDRIA DIVISION

Case No. 21-10325-BFK

DEIRDRE ANN WHITE

Plaintiff

Adversary Proceeding No. 21-01025

v.

IVAN EDUARDO ALVA,

Debtor

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JUN -3 2021

ALEXANDRIA DIVISION
US BANKRUPTCY COURT

- 1) PLAINTIFF'S RESPONSE TO DEBTOR'S OBJECTION TO DISCHARGEABLE DEBT
- 2) MOTION TO QUASH DEBTOR'S MOTIONS TO DISMISS AND TO AWARD SANCTIONS
- 3) MOTION TO DECLARE DEBTS NON-DISCHARABLE

COMES NOW, Michael Lau, hereby files this Response and Motions for reasons given below:

1. The Undersigned is proceeding *pro se*, and not a licensed practitioner before this court. The court's indulgence is respectfully requested.
2. The legal counsel of Ivan E. Alva ("Alva") alleges he never received documents filed and mailed to him, the trustee's office however confirms having received everything filed and mailed. See P. Exh. A-6. Whatever was filed to this court should have been provided to Alva by ECF.

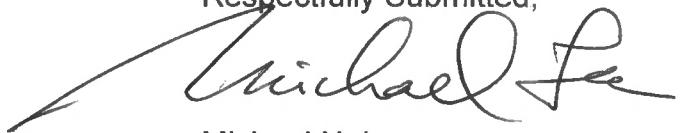
3. The Undersigned informed Deirdre Ann White ("White") that I am not licensed to practice before bankruptcy court and informed her to either represent herself or hire a bankruptcy attorney. See P. Exh. A-3.
4. White does not know how to represent herself and could not afford to hire a bankruptcy attorney, so she assigned her claimant's rights to the Undersigned. See P. Exhs. A-4 & A-5.
5. The Undersigned is the attorney of record before the Fauquier County Circuit Court, in Case No. CL20-215, *Deirdre Ann White v. Dreams Auto Warrenton, Inc. and Ivan E. Alva*. Dreams Auto Warrenton, Inc. ("Dreams") was the dealership that made the sale and Alva was its owner/operator and the sales person who sold the vehicle to White. Therefore, Dreams and Alva were sued as co-Defendants. The case was filed on April 14, 2020.
6. The lawsuit alleges seven counts. Count 1 is **Actual Fraud**. Count 2 is **Constructive Fraud**. Count 3 is violating the Virginia Consumer Protections Act ("VCPA") §59.1-200(6) for **misrepresenting** Acura is safe to operate by the presence of Virginia safety sticker. Count 4 is violating VCPA §59.1-200(14) for using **deception** in connection with a consumer transaction. Count 5 is violating VCPA §59.1-200(7) for advertisement without disclosing defective engine. Count 6 is violating VCPA §59.1-200(14) for **deceptive concealment** of engine problem in connection with a consumer transaction. Count 7 is violating VCPA §59.1-200(14) for **deceptive sales** of a vehicle without the ability to convey title.
7. Because co-defendant Alva's case is under automatic stay, the Fauquier Circuit Court only entered a judgment against co-Defendant Dreams. The Fauquier

Circuit Court awarded treble damages and attorney fees due to fraud and intentional tort. See P. Exh. A-1.

8. The Fauquier Circuit Court finds fraud and intentional tort, thus debts so incurred are non-dischargeable per 11 U.S.C. §523(a)(2), (4), (6).
9. The Undersigned hereby proceeds, *pro se*, to protect court awarded legal fees and court awarded compensations that are now fully assigned to me.

WHEREFORE, 1) entry of Plaintiff's Motion to Quash Debtor's Motions to Dismiss and to Sanction is respectfully requested; and 2) entry of Plaintiff's Motion to declare Alva's debts non-dischargeable due to fraud and intentional tort is respectfully requested.

Respectfully Submitted,



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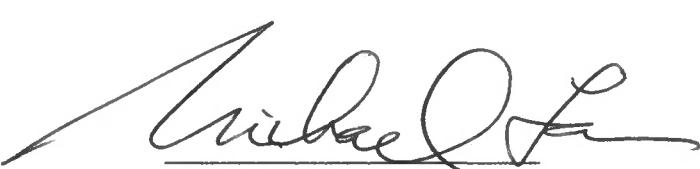
Certificate of Mailing

I certified the foregoing documents were hand-delivered to U.S. Bankruptcy Court, 200 S. Washington Street, Alexandria, VA 22314-5405 and mailed on 6/3, 2021, postage prepaid to:

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On behalf of John P. Fitzgerald, III
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Debtor/Defendant



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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:

IVAN EDUARDO ALVA :
Debtor : Case No. 21-10325-BFK

DEIRDRE ANN WHITE

Plaintiff Adversary Proceeding No. 21-01025

v.

IVAN EDUARDO ALVA,

Debtor

[Proposed] ORDER

THIS MATTER COMES before this court on:

1) Debtor's Response and Opposition to Objection to Dischargeable Debt, 2)

Motions to Dismiss and to Award Sanctions, and

1) Plaintiff's Response To Debtor's Objection To Dischargeable Debt, 2) Motion To Quash Debtor's Motions To Dismiss And To Award Sanctions, and 3) Motion To Declare Debtor's Debts Non-Dischargeable.

Having considered this matter, it is ADJUDICATED, ORDERED AND DECREED that:

1) This court gives full faith and credit to Fauquier Circuit Court's finding of fraud and intentional tort. Ivan E. Alva, a natural person who is the founder and operator of Dreams Auto Warrenton, a juristic person, is now here seeking bankruptcy protections to discharge debts owed to Dreams Auto Warrenton, Inc., Michael N. Lau, and Deirdre Ann White, *inter alia*;

- 2) Michael Lau is proceeding *pro se* to protect legal fees awarded to him and compensations of Deirdre White that are fully assigned to him;
- 3) Ivan E. Alva's debts owed to Dreams Auto Warrenton, Inc., Michael N. Lau, and Deirdre Ann White are non-dischargeable per 11 U.S.C. §523(a)(2), (4), (6).

Entered: _____, 2021

Judge,
United States Bankruptcy Court
Eastern District Of Virginia
Alexandria Division

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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In re: Alva, Ivan E.
Debtor(s)

Case No. 21-10325-BFK
Chapter 7

Deirdre Ann White
Plaintiff(s)

Adversary Proceeding No. 21-01025

v.

Ivan E. Alva
Defendant(s)

CERTIFICATION UNDER LOCAL BANKRUPTCY RULE 2090-1

Document Title:

Date Document Filed:

Docket Entry No.

I declare under penalty of perjury that (Check one box):

- No attorney has prepared or assisted in the preparation of this document.
 The following attorney prepared or assisted in the preparation of this document.

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Michael Lai

703 637 0488
Name of Pro Se Party (Print or Type) Name of Pro Se Party (Print or Type)

Michael Lai
Signature of Pro Se Party

Michael Lai
Signature of Pro Se Party

Executed on: 6/3/2021 (Date)